

AMENDED IN SENATE AUGUST 19, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN ASSEMBLY MAY 11, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 308**

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**Introduced by Assembly Members Cook and Carter**

February 17, 2009

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An act to amend Sections 100, 100.95, 755, and 756 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 308, as amended, Cook. Property tax revenue allocations: state-assessed property.

(1) The California Constitution requires the State Board of Equalization to assess the property, other than franchises, of companies transmitting or selling gas or electricity. Existing property tax law provides for the valuation, as a unit, of properties of a state assessee that are operated as a unit as a primary function of that assessee, and for the allocation of the assessed value of the unit among various counties in which the state-assessee's unitary property is located. Existing law also provides, pursuant to specified formulas, for the application in each county of specified tax rates to unitary assessed value, and for the allocation among jurisdictions in that county of the resulting revenues.

This bill would, for the 2010–11 fiscal year and for each fiscal year thereafter, require the assessed value of specified property that is located within a redevelopment project area of a joint powers authority be allocated exclusively to the county in which the facility is located, and that the revenues derived from the assessment of this property be allocated in the same percentage shares as revenues derived from locally assessed property among the jurisdictions in which the property is located, as provided. This bill would authorize the State Board of Equalization to amend the tax rolls for the 2010–11 fiscal year in order to provide these allocations. This bill would also make conforming changes to related provisions.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute.

(3) *This bill would also incorporate additional changes in Section 100 of the Revenue and Taxation Code, proposed by SB 1398, to be operative if SB 1398 and this bill are both enacted and become effective on or before January 1, 2011, and this bill is enacted last.*

~~(3)~~

(4) By establishing new duties with respect to the annual allocation of property tax revenues derived from state-assessed property, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(4)~~

(5) This bill would change the pro rata shares in which ad valorem property tax revenues are allocated among local agencies in a county, within the meaning of paragraph (3) of subdivision (a) of Section 25.5 of Article XIII of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.

~~(5)~~

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 100 of the Revenue and Taxation Code  
2 is amended to read:

3     100. Notwithstanding any other provision of law, commencing  
4 with the 1988–89 fiscal year, property tax assessed value  
5 attributable to unitary and operating nonunitary property, as defined  
6 in Sections 723 and 723.1, that is assessed by the State Board of  
7 Equalization shall be allocated by county as provided in Section  
8 756, and the assessed value and revenues attributable to that  
9 allocation shall be allocated within each county as follows:

10    (a) Each county shall establish one countywide tax rate area.  
11 The assessed value of all unitary and operating nonunitary property  
12 shall be assigned to this tax rate area. No other property shall be  
13 assigned to this tax rate area.

14    (b) Property assigned to the tax rate area created by subdivision  
15 (a) shall be taxed at a rate equal to the sum of the following two  
16 rates:

17    (1) A rate determined by dividing the county’s total ad valorem  
18 tax levies for the secured roll, including levies made pursuant to  
19 Section 96.8, for the prior year, exclusive of levies for debt service,  
20 by the county’s total ad valorem secured roll assessed value for  
21 the prior year.

22    (2) A rate determined as follows:

23    (A) By dividing the county’s total ad valorem tax levies for  
24 unitary and operating nonunitary property for the prior year debt  
25 service only by the county’s total unitary and operating nonunitary  
26 assessed value for the prior year.

27    (B) Beginning with the 1989–90 fiscal year, adjusting the rate  
28 determined pursuant to subparagraph (A) by the percentage change  
29 between the two preceding fiscal years in the county’s ad valorem  
30 debt service levy for the secured roll, not including unitary and  
31 operating nonunitary debt service.

32    (c) The property tax revenue derived from the assessed value  
33 assigned to the countywide tax rate area pursuant to subdivision  
34 (a) and pursuant to paragraph (2) of subdivision (a) of Section  
35 100.1 by the use of the tax rate determined in paragraph (1) of  
36 subdivision (b) shall be allocated as follows:

37    (1) For the 1988–89 fiscal year and each fiscal year thereafter,  
38 each taxing jurisdiction shall be allocated an amount of property

1 tax revenue equal to 102 percent of the amount of the aggregate  
2 property tax revenue it received from all unitary and operating  
3 nonunitary property in the prior fiscal year, exclusive of revenue  
4 attributable to qualified property under Section 100.95 and levies  
5 for debt service.

6 (2) If the amount of property tax revenue available for allocation  
7 in the current fiscal year is insufficient to make the allocations  
8 required by paragraph (1), the amount of revenue to be allocated  
9 to each taxing jurisdiction shall be prorated based on a factor  
10 determined by dividing the total amount of property tax revenue  
11 available to all taxing jurisdictions from unitary and operating  
12 nonunitary property in the current year, exclusive of revenue  
13 attributable to levies for debt service, by the total amount of  
14 property tax revenue received by all taxing jurisdictions from  
15 unitary and operating nonunitary property in the prior fiscal year,  
16 exclusive of revenue attributable to levies for debt service.

17 (3) If the amount of property tax revenue available for allocation  
18 to all taxing jurisdictions in the current fiscal year from unitary  
19 and operating nonunitary property, exclusive of revenue attributable  
20 to qualified property under Section 100.95 and levies for debt  
21 service, exceeds 102 percent of the property tax revenue received  
22 by all taxing jurisdictions from all unitary and operating nonunitary  
23 property in the prior fiscal year, exclusive of revenue attributable  
24 to qualified property under Section 100.95 and levies for debt  
25 service, the amount of revenue in excess of 102 percent shall be  
26 allocated to all taxing jurisdictions in the county by a ratio  
27 determined by dividing each taxing jurisdiction's share of the  
28 county's total ad valorem tax levies for the secured roll for the  
29 prior year, exclusive of levies for qualified property under Section  
30 100.95 and levies for debt service, by the county's total ad valorem  
31 tax levies for the secured roll for the prior year, exclusive of levies  
32 for qualified property under Section 100.95 and levies for debt  
33 service.

34 (d) The property tax revenue derived from the assessed value  
35 assigned to the countywide tax rate area pursuant to subdivision  
36 (a) and pursuant to paragraph (2) of subdivision (a) of Section  
37 100.1 by the use of the tax rate determined in paragraph (2) of  
38 subdivision (b) shall be allocated as follows:

39 (1) An amount shall be computed for each taxing jurisdiction  
40 and shall be determined by multiplying the amounts required in

1 the current year pursuant to subdivisions (a) and (c) of Section 93  
2 by that percentage that shall be determined by dividing the amount  
3 of property tax revenue the jurisdiction received in the prior year  
4 from unitary property and operating nonunitary property by the  
5 total amount of property tax revenue the jurisdiction received in  
6 the prior year from all property.

7 (2) The amount of property tax revenue available for allocation  
8 pursuant to this subdivision shall be allocated among taxing  
9 jurisdictions in the proportion that the amount computed for each  
10 taxing jurisdiction pursuant to paragraph (1) bears to the total  
11 amount computed pursuant to paragraph (1) for all taxing  
12 jurisdictions.

13 (3) If a taxing jurisdiction is levying a tax rate for debt service  
14 for the first time in the current fiscal year, for purposes of  
15 determining the percentage specified in paragraph (1), that  
16 percentage shall be the percentage determined by dividing the  
17 amount of property tax revenue received by that taxing jurisdiction  
18 in the prior year pursuant to subdivision (c) from unitary and  
19 operating nonunitary property by the total amount of property tax  
20 revenue received by that taxing jurisdiction in the prior year from  
21 all property within the taxing jurisdiction.

22 (e) For purposes of this section:

23 (1) "The county's total ad valorem tax levies for the secured  
24 roll" means all ad valorem tax levies for the county's secured roll,  
25 including the general tax levy, levies for debt service (including  
26 land only and land and improvement rates), and levies for  
27 redevelopment agencies.

28 (2) "The county's total ad valorem secured roll" means the  
29 county's local roll, after all exemptions except the homeowner's  
30 exemption, and the county's utility roll.

31 (3) "Taxing jurisdiction" includes a redevelopment agency.

32 (4) In a county of the second class, for the 1992–93 fiscal year  
33 and each fiscal year thereafter, "taxing jurisdiction" includes that  
34 fund that has been designated by the auditor as the "Unallocated  
35 Residual Public Utility Tax Fund." All revenues allocated to that  
36 fund pursuant to this section shall be deposited in that fund and  
37 shall be distributed as follows:

38 (A) For the 1992–93 fiscal year to the 1996–97 fiscal year,  
39 inclusive, at the discretion of the county board of supervisors.

1 (B) For the 1997–98 fiscal year, 100 percent to the Orange  
2 County Fire Authority.

3 (C) For the 1998–99 fiscal year and each fiscal year thereafter,  
4 in accordance with the following schedule:

5 (i) Fifty-seven and forty-seven hundredths percent to the Orange  
6 County Fire Authority.

7 (ii) Forty-one and forty-seven hundredths percent to the Orange  
8 County Library District.

9 (iii) Forty-eight hundredths percent to the Buena Park Library  
10 District.

11 (iv) Fifty-eight hundredths percent to the Placentia Library  
12 District.

13 (f) The assessed value of the unitary and operating nonunitary  
14 property shall be kept separate for each state assessee throughout  
15 the allocation process.

16 (g) Each state assessee shall be issued only one tax bill for all  
17 unitary and operating nonunitary property within the county.

18 (h) This section applies to the unitary property of regulated  
19 railway companies only to the extent described in Section 100.1.

20 (i) This section does not apply to property that on July 1, 1987,  
21 was undeveloped and owned by a utility and located within a city,  
22 county, or city and county that adopts a resolution stating that the  
23 property is subject to a development plan or agreement and that  
24 this section shall not apply to that property, and the city, county,  
25 or city and county transmits a copy of that resolution, including a  
26 legal description of the property, to the State Board of Equalization  
27 and the county's auditor-controller prior to January 1, 1988.

28 (j) (1) For property that on July 1, 1990, was undeveloped and  
29 owned by a utility and that is located within a city, county, or city  
30 and county that adopts a resolution stating that the property is  
31 subject to a development plan or agreement and that this  
32 subdivision applies to that property, and the city, county, or city  
33 and county transmits a copy of that resolution, including a legal  
34 description of the property, to the county auditor prior to August  
35 1, 1991, the allocation of property tax revenues derived with respect  
36 to that property pursuant to Sections 96.1, 96.2, 97.31, 98, 98.01,  
37 and 98.04, shall be subject to the allocation required by paragraph  
38 (2).

39 (2) The county auditor shall annually allocate to a city, county,  
40 or city and county, that has adopted and transmitted a resolution

1 pursuant to paragraph (1), the amount of property tax revenues  
2 derived with respect to the property described in paragraph (1)  
3 that would be allocated to that city, county, or city and county if  
4 that property were subject to assessment by the county assessor.  
5 In order to provide the allocations required by this paragraph, the  
6 county auditor shall make any necessary pro rata reductions in  
7 allocations to local agencies other than that city, county, or city  
8 and county adopting and transmitting a resolution pursuant to  
9 paragraph (1), of property tax revenues derived with respect to the  
10 property described in paragraph (1).

11 (k) (1) For property subject to this section that is owned by a  
12 utility that serves no more than two counties and is located within  
13 a city, county, or city and county that adopts a resolution stating  
14 that the property is subject to a development plan or agreement  
15 for new construction and the city, county, or city and county  
16 transmits a copy of that resolution, including a legal description  
17 of the property, to the State Board of Equalization and the county  
18 auditor prior to January 1, 2006, the allocation of property tax  
19 revenues derived with respect to that property pursuant to Sections  
20 96.1, 97.31, 98, 98.01, and 98.04, shall be subject to the  
21 requirements of paragraph (2).

22 (2) If the city, county, or city and county has adopted and  
23 transmitted a resolution pursuant to paragraph (1), the county  
24 auditor shall annually allocate the property tax revenue attributable  
25 to the new construction described in the development plan or  
26 agreement, as if that new construction were subject to assessment  
27 by the county assessor, according to the following formula:

28 (A) An amount of property tax revenue to school entities, as  
29 defined in subdivision (f) of Section 95, equivalent to the same  
30 percentage the school entities received in the prior fiscal year of  
31 the property tax revenues paid by the utility in the county in which  
32 the property described in paragraph (1) is located.

33 (B) An amount of property tax revenue to the county in which  
34 the property is located equivalent to the same percentage the county  
35 received in the prior fiscal year of the property tax revenues paid  
36 by the utility in the county in which the property described in  
37 paragraph (1) is located. The county shall distribute those property  
38 tax revenues to the county general fund, the county library district,  
39 the county flood control district, the county sanitation districts,  
40 and the county service areas.

(C) The property tax revenue remaining after the allocations described in subparagraphs (A) and (B) are made shall be distributed to the city in which the property described in paragraph (1) is located.

(3) In order to provide the allocations required by paragraph (2), the county auditor shall make any necessary pro rata reductions in allocations of property taxes attributable to the property specified in paragraph (1) to jurisdictions other than those receiving an allocation under paragraph (2).

(l) (1) For property subject to this section that is owned by a utility that was constructed by a wholly owned subsidiary of the utility prior to January 1, 2007, and placed in service by the utility on or after January 1, 2007, and the property is located within a redevelopment project area of a joint powers authority comprised of cities and a county that adopts a resolution stating that the property is subject to a redevelopment plan and the joint powers authority transmits a copy of that resolution, including a legal description of the property, to the State Board of Equalization and the county auditor prior to January 1, 2011, the allocation of property tax revenues derived with respect to that property shall be subject to the requirements of subdivision (a) of Section 100.9.

(2) Notwithstanding any other law, the State Board of Equalization may amend the tax rolls for the 2010–11 fiscal year in order to provide the allocations required by paragraph (1).

(m) The amendments made to this section by the act that added this subdivision apply for the 2007–08 fiscal year and for each fiscal year thereafter.

(n) The amendments made to this section by the act that added this subdivision apply for the 2010–11 fiscal year and for each fiscal year thereafter.

*SEC. 1.5. Section 100 of the Revenue and Taxation Code is amended to read:*

100. Notwithstanding any other provision of law, commencing with the 1988–89 fiscal year, property tax assessed value attributable to unitary and operating nonunitary property, as defined in Sections 723 and 723.1, that is assessed by the State Board of Equalization shall be allocated by county as provided in Section 756, and the assessed value and revenues attributable to that allocation shall be allocated within each county as follows:



1 (a) Each county shall establish one countywide tax rate area.  
2 The assessed value of all unitary and operating nonunitary property  
3 shall be assigned to this tax rate area. No other property shall be  
4 assigned to this tax rate area.

5 (b) Property assigned to the tax rate area created by subdivision  
6 (a) shall be taxed at a rate equal to the sum of the following two  
7 rates:

8 (1) A rate determined by dividing the county's total ad valorem  
9 tax levies for the secured roll, including levies made pursuant to  
10 Section 96.8, for the prior year, exclusive of levies for debt service,  
11 by the county's total ad valorem secured roll assessed value for  
12 the prior year.

13 (2) A rate determined as follows:

14 (A) By dividing the county's total ad valorem tax levies for  
15 unitary and operating nonunitary property for the prior year debt  
16 service only by the county's total unitary and operating nonunitary  
17 assessed value for the prior year.

18 (B) Beginning with the 1989–90 fiscal year, adjusting the rate  
19 determined pursuant to subparagraph (A) by the percentage change  
20 between the two preceding fiscal years in the county's ad valorem  
21 debt service levy for the secured roll, not including unitary and  
22 operating nonunitary debt service.

23 (c) The property tax revenue derived from the assessed value  
24 assigned to the countywide tax rate area pursuant to subdivision  
25 (a) and pursuant to paragraph (2) of subdivision (a) of Section  
26 100.1 by the use of the tax rate determined in paragraph (1) of  
27 subdivision (b) shall be allocated as follows:

28 (1) For the 1988–89 fiscal year and each fiscal year thereafter,  
29 each taxing jurisdiction shall be allocated an amount of property  
30 tax revenue equal to 102 percent of the amount of the aggregate  
31 property tax revenue it received from all unitary and operating  
32 nonunitary property in the prior fiscal year, exclusive of revenue  
33 attributable to qualified property under ~~Section~~ *Sections* 100.95  
34 *and 100.96* and levies for debt service.

35 (2) If the amount of property tax revenue available for allocation  
36 in the current fiscal year is insufficient to make the allocations  
37 required by paragraph (1), the amount of revenue to be allocated  
38 to each taxing jurisdiction shall be prorated based on a factor  
39 determined by dividing the total amount of property tax revenue  
40 available to all taxing jurisdictions from unitary and operating

1 nonunitary property in the current year, exclusive of revenue  
2 attributable to levies for debt service, by the total amount of  
3 property tax revenue received by all taxing jurisdictions from  
4 unitary and operating nonunitary property in the prior fiscal year,  
5 exclusive of revenue attributable to levies for debt service.

6 (3) If the amount of property tax revenue available for allocation  
7 to all taxing jurisdictions in the current fiscal year from unitary  
8 and operating nonunitary property, exclusive of revenue attributable  
9 to qualified property under ~~Section~~ *Sections 100.95 and 100.96*  
10 and levies for debt service, exceeds 102 percent of the property  
11 tax revenue received by all taxing jurisdictions from all unitary  
12 and operating nonunitary property in the prior fiscal year, exclusive  
13 of revenue attributable to qualified property under ~~Section~~ *Sections*  
14 *100.95 and 100.96* and levies for debt service, the amount of  
15 revenue in excess of 102 percent shall be allocated to all taxing  
16 jurisdictions in the county by a ratio determined by dividing each  
17 taxing jurisdiction's share of the county's total ad valorem tax  
18 levies for the secured roll for the prior year, exclusive of levies for  
19 qualified property under ~~Section~~ *Sections 100.95 and 100.96* and  
20 levies for debt service, by the county's total ad valorem tax levies  
21 for the secured roll for the prior year, exclusive of levies for  
22 qualified property under ~~Section~~ *Sections 100.95 and 100.96* and  
23 levies for debt service.

24 (d) The property tax revenue derived from the assessed value  
25 assigned to the countywide tax rate area pursuant to subdivision  
26 (a) and pursuant to paragraph (2) of subdivision (a) of Section  
27 100.1 by the use of the tax rate determined in paragraph (2) of  
28 subdivision (b) shall be allocated as follows:

29 (1) An amount shall be computed for each taxing jurisdiction  
30 and shall be determined by multiplying the amounts required in  
31 the current year pursuant to subdivisions (a) and (c) of Section 93  
32 by that percentage that shall be determined by dividing the amount  
33 of property tax revenue the jurisdiction received in the prior year  
34 from unitary property and operating nonunitary property by the  
35 total amount of property tax revenue the jurisdiction received in  
36 the prior year from all property.

37 (2) The amount of property tax revenue available for allocation  
38 pursuant to this subdivision shall be allocated among taxing  
39 jurisdictions in the proportion that the amount computed for each  
40 taxing jurisdiction pursuant to paragraph (1) bears to the total

1 amount computed pursuant to paragraph (1) for all taxing  
2 jurisdictions.

3 (3) If a taxing jurisdiction is levying a tax rate for debt service  
4 for the first time in the current fiscal year, for purposes of  
5 determining the percentage specified in paragraph (1), that  
6 percentage shall be the percentage determined by dividing the  
7 amount of property tax revenue received by that taxing jurisdiction  
8 in the prior year pursuant to subdivision (c) from unitary and  
9 operating nonunitary property by the total amount of property tax  
10 revenue received by that taxing jurisdiction in the prior year from  
11 all property within the taxing jurisdiction.

12 (e) For purposes of this section:

13 (1) "The county's total ad valorem tax levies for the secured  
14 roll" means all ad valorem tax levies for the county's secured roll,  
15 including the general tax levy, levies for debt service (including  
16 land only and land and improvement rates), and levies for  
17 redevelopment agencies.

18 (2) "The county's total ad valorem secured roll" means the  
19 county's local roll, after all exemptions except the homeowner's  
20 exemption, and the county's utility roll.

21 (3) "Taxing jurisdiction" includes a redevelopment agency.

22 (4) In a county of the second class, for the 1992–93 fiscal year  
23 and each fiscal year thereafter, "taxing jurisdiction" includes that  
24 fund that has been designated by the auditor as the "Unallocated  
25 Residual Public Utility Tax Fund." All revenues allocated to that  
26 fund pursuant to this section shall be deposited in that fund and  
27 shall be distributed as follows:

28 (A) For the 1992–93 fiscal year to the 1996–97 fiscal year,  
29 inclusive, at the discretion of the county board of supervisors.

30 (B) For the 1997–98 fiscal year, 100 percent to the Orange  
31 County Fire Authority.

32 (C) For the 1998–99 fiscal year and each fiscal year thereafter,  
33 in accordance with the following schedule:

34 (i) Fifty-seven and forty-seven hundredths percent to the Orange  
35 County Fire Authority.

36 (ii) Forty-one and forty-seven hundredths percent to the Orange  
37 County Library District.

38 (iii) Forty-eight hundredths percent to the Buena Park Library  
39 District.

1 (iv) Fifty-eight hundredths percent to the Placentia Library  
2 District.

3 (f) The assessed value of the unitary and operating nonunitary  
4 property shall be kept separate for each state assessee throughout  
5 the allocation process.

6 (g) Each state assessee shall be issued only one tax bill for all  
7 unitary and operating nonunitary property within the county.

8 (h) This section applies to the unitary property of regulated  
9 railway companies only to the extent described in Section 100.1.

10 (i) This section does not apply to property that on July 1, 1987,  
11 was undeveloped and owned by a utility and located within a city,  
12 county, or city and county that adopts a resolution stating that the  
13 property is subject to a development plan or agreement and that  
14 this section shall not apply to that property, and the city, county,  
15 or city and county transmits a copy of that resolution, including a  
16 legal description of the property, to the State Board of Equalization  
17 and the county's auditor-controller prior to January 1, 1988.

18 (j) (1) For property that on July 1, 1990, was undeveloped and  
19 owned by a utility and that is located within a city, county, or city  
20 and county that adopts a resolution stating that the property is  
21 subject to a development plan or agreement and that this  
22 subdivision applies to that property, and the city, county, or city  
23 and county transmits a copy of that resolution, including a legal  
24 description of the property, to the county auditor prior to August  
25 1, 1991, the allocation of property tax revenues derived with respect  
26 to that property pursuant to Sections 96.1, 96.2, 97.31, 98, 98.01,  
27 and 98.04, shall be subject to the allocation required by paragraph  
28 (2).

29 (2) The county auditor shall annually allocate to a city, county,  
30 or city and county, that has adopted and transmitted a resolution  
31 pursuant to paragraph (1), the amount of property tax revenues  
32 derived with respect to the property described in paragraph (1)  
33 that would be allocated to that city, county, or city and county if  
34 that property were subject to assessment by the county assessor.  
35 In order to provide the allocations required by this paragraph, the  
36 county auditor shall make any necessary pro rata reductions in  
37 allocations to local agencies other than that city, county, or city  
38 and county adopting and transmitting a resolution pursuant to  
39 paragraph (1), of property tax revenues derived with respect to the  
40 property described in paragraph (1).

1 (k) (1) For property subject to this section that is owned by a  
2 utility that serves no more than two counties and is located within  
3 a city, county, or city and county that adopts a resolution stating  
4 that the property is subject to a development plan or agreement  
5 for new construction and the city, county, or city and county  
6 transmits a copy of that resolution, including a legal description  
7 of the property, to the State Board of Equalization and the county  
8 auditor prior to January 1, 2006, the allocation of property tax  
9 revenues derived with respect to that property pursuant to Sections  
10 96.1, 97.31, 98, 98.01, and 98.04, shall be subject to the  
11 requirements of paragraph (2).

12 (2) If the city, county, or city and county has adopted and  
13 transmitted a resolution pursuant to paragraph (1), the county  
14 auditor shall annually allocate the property tax revenue attributable  
15 to the new construction described in the development plan or  
16 agreement, as if that new construction were subject to assessment  
17 by the county assessor, according to the following formula:

18 (A) An amount of property tax revenue to school entities, as  
19 defined in subdivision (f) of Section 95, equivalent to the same  
20 percentage the school entities received in the prior fiscal year of  
21 the property tax revenues paid by the utility in the county in which  
22 the property described in paragraph (1) is located.

23 (B) An amount of property tax revenue to the county in which  
24 the property is located equivalent to the same percentage the county  
25 received in the prior fiscal year of the property tax revenues paid  
26 by the utility in the county in which the property described in  
27 paragraph (1) is located. The county shall distribute those property  
28 tax revenues to the county general fund, the county library district,  
29 the county flood control district, the county sanitation districts,  
30 and the county service areas.

31 (C) The property tax revenue remaining after the allocations  
32 described in subparagraphs (A) and (B) are made shall be  
33 distributed to the city in which the property described in paragraph  
34 (1) is located.

35 (3) In order to provide the allocations required by paragraph  
36 (2), the county auditor shall make any necessary pro rata reductions  
37 in allocations of property taxes attributable to the property specified  
38 in paragraph (1) to jurisdictions other than those receiving an  
39 allocation under paragraph (2).

(l) (1) For property subject to this section that is owned by a utility that was constructed by a wholly owned subsidiary of the utility prior to January 1, 2007, and placed in service by the utility on or after January 1, 2007, and the property is located within a redevelopment project area of a joint powers authority comprised of cities and a county that adopts a resolution stating that the property is subject to a redevelopment plan and the joint powers authority transmits a copy of that resolution, including a legal description of the property, to the State Board of Equalization and the county auditor prior to January 1, 2011, the allocation of property tax revenues derived with respect to that property shall be subject to the requirements of subdivision (a) of Section 100.9.

(2) Notwithstanding any other law, the State Board of Equalization may amend the tax rolls for the 2010–11 fiscal year in order to provide the allocations required by paragraph (1).

~~(t)~~

(m) The amendments made to this section by the act that added this subdivision apply for the 2007–08 fiscal year and for each fiscal year thereafter.

(n) The amendments made to this section by the act that added this subdivision apply for the 2010–11 fiscal year and for each fiscal year thereafter.

SEC. 2. Section 100.95 of the Revenue and Taxation Code is amended to read:

100.95. (a) Notwithstanding any other law, for the 2007–08 fiscal year and each fiscal year thereafter, all of the following apply:

(1) The property tax assessed value of qualified property that is owned by a public utility and that is assessed by the State Board of Equalization shall be allocated entirely to the county in which the qualified property is located.

(2) The tax rate applied to the assessed value allocated pursuant to paragraph (1) shall be the rate calculated pursuant to subdivision (b) of Section 100.

(3) The county auditor shall allocate the property tax revenues derived from applying the tax rate described in paragraph (1) of subdivision (b) of Section 100 to the qualified property described in this section as follows:

(A) (i) School entities, as defined in subdivision (f) of Section 95, shall be allocated an amount equivalent to the same percentage

1 the school entities received in the prior fiscal year from the property  
2 tax revenues paid by the utility in the county in which the qualified  
3 property is located.

4 (ii) The county in which the qualified property is located shall  
5 be allocated an amount equivalent to the same percentage the  
6 county received in the prior fiscal year from the property tax  
7 revenues paid by the utility in the county in which the qualified  
8 property is located.

9 (iii) Special districts, other than an “enterprise special district”  
10 as defined in paragraph (3) of subdivision (c), shall be allocated  
11 an amount equivalent to the same percentage that these special  
12 districts, other than enterprise special districts, received in the prior  
13 fiscal year from the property tax revenues paid by the utility in the  
14 county in which the qualified property is located.

15 (B) The balance of these revenues remaining after the allocations  
16 made under subparagraph (A) shall be allocated as follows:

17 (i) Ninety percent shall be allocated as follows:

18 (I) If the qualified property is located in a city, to the city in  
19 which that property is located.

20 (II) If the qualified property is located in an unincorporated area  
21 of the county, to the county.

22 (ii) Ten percent shall be allocated as follows:

23 (I) If the qualified property is provided water services by a water  
24 district that otherwise receives a property tax revenue allocation  
25 under this chapter, to that water district. If the qualified property  
26 is provided water services by more than one water district that  
27 otherwise receives a property tax revenue allocation under this  
28 chapter, those districts shall each receive an equal share of this  
29 revenue.

30 (II) If the qualified property is provided water services by a city,  
31 to that city.

32 (III) If the qualified property is provided water services by a  
33 private water company or a water district that does not otherwise  
34 receive a property tax revenue allocation under this chapter:

35 (aa) If the qualified property is located in a city, to the city in  
36 which that property is located.

37 (ab) If the qualified property is located in an unincorporated  
38 area of the county, to the county.

39 (4) The county auditor shall allocate the property tax revenues  
40 derived from applying the tax rate described in paragraph (2) of

subdivision (b) of Section 100 to the qualified property described in this section in accordance with subdivision (d) of Section 100, except that school entities, as defined in subdivision (f) of Section 95, shall be allocated an amount equivalent to the same percentage the school entities received in the prior fiscal year from the property tax revenues paid by the utility in the county in which the qualified property is located.

(5) In order to provide the allocations required by paragraphs (3) and (4), the county auditor shall make any necessary pro rata reductions in allocations of property taxes attributable to the qualified property to jurisdictions other than those receiving an allocation under paragraphs (3) and (4).

(b) (1) A special district that serves more than one county shall spend property tax revenues allocated under this section within the county that allocated the property tax revenues in or near communities impacted by the qualified property.

(2) All other special districts that receive property tax revenues under this section and that have qualified property located entirely or partially within their jurisdiction shall spend the property tax revenues in or near communities impacted by the qualified property.

(c) For purposes of this section, all of the following apply:

(1) “Qualified property” means all plant and associated equipment, including substation facilities and fee-owned land and easements, placed in service by the public utility on or after January 1, 2007, and related to the following:

(A) Electrical substation facilities that meet either of the following conditions:

(i) The high-side voltage of the facility’s transformer is 50,000 volts or more.

(ii) The substation facilities are operated at 50,000 volts or more.

(B) Electric generation facilities that have a nameplate generating capacity of 50 megawatts or more.

(C) Electrical transmission line facilities of 200,000 volts or more.

(2) “Qualified property” does not include either of the following:

(A) Additions, modifications, reconductoring, or equivalent replacements to the plant and associated equipment made after the plant and associated equipment are placed in service.



(B) Property that is subject to subdivisions (k) and (l) of Section 100.

(3) (A) An “enterprise special district” means a special district, other than a special district described in subparagraph (B), that performs, as reported in the 2001–02 edition of the State Controller’s Special Districts Annual Report, an enterprise function.

(B) An “enterprise special district” does not include any of the following:

(i) A qualified special district, as defined in Section 97.34.

(ii) A district organized pursuant to the Local Health Care District Law set forth in Division 23 (commencing with Section 32000) of the Health and Safety Code.

(iii) A transit district.

(4) A public utility shall provide to the State Board of Equalization a description of the qualified property that is subject to this section in the form prescribed by the board. The State Board of Equalization shall transmit to the auditor of each county in which qualified property is located the information necessary to identify that property and the corresponding assessed value data necessary to make the property tax revenue allocations required by this section.

SEC. 3. Section 755 of the Revenue and Taxation Code is amended to read:

755. (a) On or before July 15, the board shall transmit to each county auditor an estimate of the total unitary value and operating nonunitary value of state-assessed property in the county and of nonunitary state-assessed property in each revenue district in the county. An estimate need not be made for a revenue district that did not levy a tax or assessment during the preceding year unless the board receives on or before January 1 preceding the fiscal year for which the levy is to be made a notice in writing of the proposed levy. The estimate shall be regarded as establishing the total assessed value of state-assessed property in the county and each revenue district in the county for the purpose of determining tax rates, subject only to those changes as may be transmitted on or prior to July 31. All information furnished pursuant to this section is at all times during office hours open to inspection by any interested person or entity.

(b) Notwithstanding subdivision (a), in making the estimate referred to in subdivision (a), the value of property described in paragraph (1) of subdivision (a) of Section 100.1 and the nonunitary value of the property of regulated railway companies, property subject to subdivisions (i), (j), (k), and (l) of Section 100, and property subject to Section 100.9 shall be allocated by revenue district.

(c) The amendments made to this section by the act that added this subdivision apply for the 2007–08 fiscal year and for each fiscal year thereafter.

SEC. 4. Section 756 of the Revenue and Taxation Code is amended to read:

756. (a) On or before July 31, the board shall transmit to each county auditor a roll showing the unitary and operating nonunitary assessments made by the board in the county and the nonoperating nonunitary assessments made by the board in each city and revenue district in the county; provided, however, that the roll need not show the assessments made by the board in a revenue district which did not levy a tax or assessment during the preceding year. The roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131. If the roll does not show the assessments in a revenue district as herein provided and a notice of a proposed levy is furnished to the board in writing, on or before January 1 preceding the fiscal year for which the levy is to be made, the board shall furnish an estimate of the total assessed value of nonoperating nonunitary state-assessed property in the district and shall transmit thereafter to the county auditor a statement of roll change showing the nonoperating nonunitary assessments made by the board in the district.

(b) Notwithstanding subdivision (a), in making the roll referred to in subdivision (a), the value of property described in paragraph (1) of subdivision (a) of Section 100.1 and the nonunitary value of the property of regulated railway companies, property subject to subdivisions (i), (j), (k), and (l) of Section 100, and property subject to Section 100.9 shall be enrolled by revenue district.

(c) The amendments made to this section by the act that added this subdivision apply for the 2007–08 fiscal year and for each fiscal year thereafter.

1 SEC. 5. The Legislature finds and declares that a special law  
2 is necessary, and that a general law cannot be made applicable  
3 within the meaning of Section 16 of Article IV of the California  
4 Constitution, in order to ensure that the Inland Valley Development  
5 Agency receives sufficient tax increment funding to repay loans,  
6 or moneys advance to, or indebtedness incurred by, the  
7 redevelopment agency to finance or refinance redevelopment  
8 projects.

9 *SEC. 6. Section 1.5 of this bill incorporates amendments to*  
10 *Section 100 of the Revenue and Taxation Code proposed by both*  
11 *this bill and SB 1398. It shall only become operative if (1) both*  
12 *bills are enacted and become effective on or before January 1,*  
13 *2011, but this bill becomes operative first, (2) each bill amends*  
14 *Section 100 of the Revenue and Taxation Code, and (3) this bill*  
15 *is enacted after SB 1398, in which case Section 100 of the Revenue*  
16 *and Taxation Code, as amended by Section 1 of this bill, shall*  
17 *remain operative only until the operative date of SB 1398, at which*  
18 *time Section 1.5 of this bill shall become operative.*

19 ~~SEC. 6.~~

20 SEC. 7. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.

25 ~~SEC. 7.~~

26 SEC. 8. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the Constitution and shall go into  
29 immediate effect. The facts constituting the necessity are:

30 In order to ensure that the Inland Valley Development Agency  
31 receives sufficient tax increment funding to repay loans, or moneys  
32 advanced to, or indebtedness incurred by, the redevelopment  
33 agency to finance or refinance redevelopment projects, it is  
34 necessary that this act take effect immediately.